

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. John Michael Vazquez
	:	
v.	:	Crim. No. 20-578 (JMV)
	:	
JEFFREY ANDREWS,	:	
CHAD BEENE,	:	
ADAM BROSIUS, and	:	
ROBERT SCHNEIDERMAN	:	

DEFENDANT CHAD BEENE’S OPPOSED MOTION FOR THE PRODUCTION OF *BRADY*
AND *GIGLIO* MATERIAL AND OTHER MATERIAL FAVORABLE TO THE ACCUSED

TO THE HONORABLE JUDGE OF SAID COURT:

CHAD BEENE by and through his attorney, Michael Wynne, moves this Honorable Court to order the Government to produce *Brady* and *Giglio* material and other material favorable to the accused. In support of said Motion, Defendant shows unto the court the following:

I.

This motion is filed pursuant to the rights granted to Defendant under the Fifth and Sixth Amendments to the U.S. Constitution and by the Supreme Court of the United States as stated in *Brady v. Maryland*, 373 U.S. 83 (1963) and in *Giglio v. United States*, 405 U.S. 150 (1972). *See also United States v. Starusko*, 729 F.2d 256, 260 (3d Cir. 1984) and *United States v. Higgs*, 713 F.2d 39, 42 (3d Cir. 1983).

II.

Defendant asks this Court to instruct the U.S. Attorney to make available for Defendant’s inspection or copying all evidence or information within the possession, custody or control of the U.S. Government, or any of its agencies which is known to exist or through the exercise of due diligence may become known and which is favorable to the Defendant on the issue of guilt

or innocence or which may tend to mitigate or lessen any punishment in the event the Defendant is found guilty or which may affect the credibility of, or may be used to impeach the credibility of any government witnesses including, but not limited to law enforcement officers. See *Brady* and *Giglio*.

III.

The above request for the *Brady* and *Giglio* material is for all material which may be favorable to the Defendant on the issues of guilt or innocence, or which would tend to mitigate any punishment in the event Defendant is found guilty and would include, but is not limited to:

1. any written or recorded statements of any person which contains information favorable to Mr. Beene;
2. the substance of any oral statement of any person which contains information favorable to Mr. Beene;
3. the names and addresses of all persons who have, or who may have information favorable to Mr. Beene;
4. the names and addresses of all persons interviewed by the Government or its agents in connection with this case, but whom the Government does not intend to call as witnesses in this case;
5. any information which may adversely affect the credibility of any witness called by the government, including criminal history records and offers of leniency or immunity, whether made directly or indirectly, to any witness in exchange for their testimony;
6. any evidence, exculpatory or otherwise, which could be used to impeach any government witnesses including favorable reports, documents, or other tangible evidence which may affect the credibility or may be used to impeach the credibility of any government witness.

IV.

If there is any question as to whether or not evidence fits under the broad umbrella of *Brady* and *Giglio*, then Defendant asks this Court to order the government's attorney to deposit the questionable evidence with the Court for an in- camera inspection and ruling by the Court

on whether the evidence is to be shown to defense counsel. In the event defense counsel is not allowed access to some pieces of evidence presented to the Court for the in-camera inspection, Defendant requests all evidence presented for the in-camera inspection be made part of the appellate record.

Dated: December 15, 2021

Respectfully submitted,

GREGOR | WYNNE | ARNEY, PLLC

By: /s/ Michael J. Wynne*
Michael J. Wynne

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** Admitted pro hac vice*

COUNSEL FOR CHAD BEENE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served upon counsel of record on this 15th day of December 2021.

By: /s/ Michael J. Wynne*
Michael J. Wynne

CERTIFICATE OF CONFERENCE

I certify that I have communicated with lead counsel for the United States and that the United States is opposed to this motion.

By: /s/ Michael J. Wynne*
Michael J. Wynne